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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,932	03/26/2004	Yao-Chin Lee	252011-2130	1909

47390   7590   06/22/2007

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EXAMINER
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ART UNIT	PAPER NUMBER
3651	

MAIL DATE	DELIVERY MODE
06/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/810,932	LEE ET AL.
Office Action Summary	Examiner	Art Unit	
	Ramya G. Prakasam	3651	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *5/16/2006 (RCE)*.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,3-9,11-18 and 20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 3-9, 11-18, and 20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 5/16/2007 has been entered.

2.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior office action.

Claim Rejections - 35 USC § 103

3.   Claims 1, 3-9, 11-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Okabe (U.S. Patent No. 6,535,778) in view of Wiesler (U.S. Patent Application Publication

2001/0047222).

Okabe discloses a tool stocking and sorting system (See Figures 1-9), comprising:

❑   First tool storage storing a first toll currently in use (See Column 2, lines 44-52 and

   Figure 9);

❑   Second tool storage storing a second tool not currently in use (See Column 2, lines

   44-52 and Figure 9);

❑   Third tool storage serving as an outlet for a third tool not in use (See Column 2, lines

   44-52 and Figure 9); and,

- A host system (11) adapted to re-locate the first, second, and third tools among the first, second, and third storage as a function of demand data pertaining to a product corresponding to the respective tool (See Column 8, lines 32-34).

- Wherein the demand data is order or order prediction data (See Column 2, lines 44-50).

- Wherein the host system calculates a first idle time, and resets the first idle time when demand data of the product corresponding to the first tool is received (See Column 11, lines 10-15).

- Wherein the host system determines a first time limit, and issues a first transfer command to move the first tool from first tool storage to second tool storage when the first idle time exceeds the first time limit (See Column 8, lines 5-9).

- Wherein the host system issues a first return command to move the second tool from second tool storage to first tool storage when demand data of the product corresponding to the second tool is received (See Column 2, lines 44-52).

- Wherein the host system determines a second time limit, calculates a second idle time, and issues a second transfer command to move the second tool from second tool storage to third tool storage when the second idle time exceeds the second time limit (See Column 8, lines 5-9).

- Wherein the host system issues a second return command to move the third tool from third tool storage to first tool storage when demand data of the product corresponding to the third tool is received (See Column 2, lines 44-52).

Wiesler further discloses a tool stocking and sorting method, comprising:

- ❑ Providing first, second and third tool storage storing first, second, and third tools respectively (See Figure 9) and

- ❑ Relocating the first, second, and third tools among the first, second and third tool storage as a function of demand data pertaining to a product corresponding to the respective tool (See Column 2, lines 44-52).

- ❑ Wherein the demand data is order or order prediction data (See Column 2, lines 44-50).

- ❑ Determining a first time limit (See Column 8, lines 5-9)

- ❑ Calculating a first idle time of the first tool, and resetting the first idle time when demand data of the product corresponding to the first tool is received (See Column 11, lines 10-15).

- ❑ Issuing a first transfer command to move the first tool from first tool storage to second tool storage when the first idle time exceeds the first time limit (See Column 7, lines 1-20).

- ❑ Determining a second time limit (See Column 8, lines 5-9);

- ❑ Calculating a second idle time, and resetting the second idle time when demand data of the product corresponding to the second tool is received (See Column 11, lines 10-15).

- ❑ Issuing a second transfer command to move the second tool from second tool storage to third tool storage when the second idle time exceeds the second time limit (See Column 7, lines 1-20).

- ❑ Issuing a first return command to return the second tool from second tool storage to first tool storage when demand data of the product corresponding to the second tool is received (See Column 2, lines 44-52).

- ❑ Issuing a second return command to return the third tool from third tool storage to first tool storage when demand data of the product corresponding to the third tool is receved (See Column 2, lines 44-52).

Okabe also discloses a computer readable storage medium for storing a computer program (See Column 3, lines 54-62) providing a tool management method controlling storing and sorting of tools in a manufacturing system, the method comprising:

- ❑ Receiving first and second time limits (See Column 8, lines 5-9);

- ❑ Calculating a first idle time and resetting the first idle time when demand data of a product corresponding to a first tool is received (See Column 11, lines 10-15);

- ❑ Issuing a first transfer command to move the first tool from first tool storage to second tool storage when the first idle time exceed the first time limit (See Column 7, lines 1-20);

- ❑ Calculating a second idle time and resetting the second idle time when demand data of the product corresponding to a second tool is received (See Column 11, lines 10-15); and

- ❑ Issuing a second transfer command to move the second tool from second tool storage to third tool storage when the second idle time exceeds the second time limit.

- ❑ Issuing a first return command to return the second tool from second tool storage to first tool storage when demand data of the product corresponding to the second tool is received (See Column 7, lines 1-20).

- ❑ Wherein the method further comprises issuing a second return command to return the third tool from third tool storage to second tool storage when demand data of the product corresponding to the third tool is received (See Column 2, lines 44-52).

- ❑ Wherein the demand data is order or order prediction data (See Column 2, lines 44-50).

Okabe discloses all claimed limitations, except for a tool stocking and sorting method wherein the tool is a reticle. Wiesler discloses the use of a reticle management system for the purpose of efficiently and cost effectively manufacturing integrated circuits (See page 1, paragraphs 0002 and 0004). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Okabe by utilizing a tool stocking and sorting method wherein the tool is a reticle for the purpose of efficiently and cost effectively manufacturing integrated circuits.

Response to Arguments

4.   Applicant's arguments filed 5/16/2007 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the tool be reused repeatedly) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5.   With regards to applicant's argument that the lots taught by Okabe are not tools as in the claimed embodiments, .'Tool' can be defined as 'an implement used to do work or perform a task" WEBSTER'S II DICTIONARY 23 (3rd ed.. 2005). Using this definition, 'lots' or the plurality of semiconductor equipment, can be construed as tools, therefore meets the limitation.

6.   With regards to applicant's argument that Okabe does not disclose a third tool storage for lots that are not in use, Okabe's hold stocker holds lots that are not be processed by equipment, therefore they are not currently in use. Regardless of the fact that they are in standby state, they are currently not in use, and therefore are not in use. This feature is in fact disclosed by Okabe.

7.   With regards to applicant's aruguments that Okabe fails to disclose a host system adapted to re-locate the first, second and third tools among the first, second, and third storages. the FA computer as disclosed in Okabe is a host computer that controls the factor, in particular the lot treatment flow (ie the movement of the lots between the storages) (See Column 8, lines 38-48). The host system, therefor, is in fact adapted to re-locate the tools as a function of demand (i.e. time and product type).

8.   For the foregoing reasons, the claims stand rejected.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
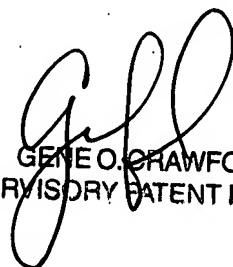
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramya G. Prakasam whose telephone number is (571) 272-6011. The examiner can normally be reached on Monday - Thursday, 8:30am-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/10/07
RGP

GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER